

human tissues where the nucleic acid molecules in column 3 are predominantly expressed. Of particular note, SEQ ID NO:1, SEQ ID NO:3, and SEQ ID NO:4 are expressed in reproductive tissues, SEQ ID NO:2 is expressed in hematopoietic/immune tissues, and SEQ ID NO:5 is expressed in liver tissue.

REMARKS

Justification for the amendments is as follows. The specification has been amended in the paragraph beginning at page 8, line 16. Support for these amendments are found in Table 1 which correctly identified the SEQ ID NOs and the columns. No new matter is added by any of these amendments. Applicants respectfully request entry of the present amendments.

Restriction Requirement

In the Restriction Requirement, the Examiner requested Applicants to elect one of the following inventions:

Group I	Claims 1-2	drawn to nucleic acid molecules
Group II	Claims 3-6	drawn to a method of using nucleic acid to screen a library
Group III	Claims 7-8	drawn to ligand that modulates the activity of a nucleic acid
Group IV	Claims 9-10	drawn to a method of using nucleic acids to purify a ligand
Group V	Claims 11-12	drawn to a method for diagnosing a disorder
Group VI	Claims 13-14	drawn to a method for detecting and diagnosing effect of a compound on expression level of nucleic acid molecules
Group VII	Claims 15-19	drawn to proteins
Group VIII	Claims 20-21	drawn to a method of using protein to screen a library
Group IX	Claim 22	drawn to ligand that modulates the activity of a protein
Group X	Claim 23	drawn to a method of using protein to purify a ligand
Group XI	Claims 24, 26-27, 29, 36-37	drawn to an antibody which specifically binds to the protein
Group XII	Claim 25	drawn to a diagnostic test for a condition or a disease using an antibody

Group XIII Claims 28, 30 drawn to a method of diagnosing a condition or disease using an antibody

Applicants hereby elect, with traverse, to prosecute Group VII, which includes Claims 15-19 and is drawn to proteins. Applicants point out that claims 20, 21, and 23 of Groups VIII and X represent process claims that depend from and are of the same scope as the product claims of Group VII from which they depend, and could therefore be examined together with the product without undue burden. The Examiner stated that further group restriction is required for Group VIII because claims 20 and 21 comprise a plurality of disclosed patentably methods using patentably distinct libraries of molecules or compounds. Applicants respectfully point out that recited libraries of molecules or compounds are not the subject of patentability in these claims and because claims 20 and 21 of Group VIII are process claims and not composition of matter claims.

In the event that the Examiner determines that the Restriction Requirement should be maintained, Applicants reserve the right to prosecute the non-elected claims in subsequent divisional applications.

Applicants believe that no fee is due with this communication. However, if the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. 09-0108.

Respectfully submitted,
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VERSION WITH MARKINGS TO SHOW CHANGES MADE
IN THE SPECIFICATION:

Paragraph(s) beginning at line 16 of page 8 has been amended as follows:

Table 1 shows the nucleic acid molecules present in benzo(a)pyrene-treated rat liver and absent in untreated rat liver, SEQ ID NOs:9[8]-13, and their human homologs, SEQ ID NOs:1-5. Columns 1 and 2 list the SEQ ID NO and Incyte ID number, respectively, for each rat nucleic acid molecule, SEQ ID NOs:9[8]-13, present in benzo(a)pyrene-treated liver and absent in untreated liver. These nucleic acid molecules were used to identify the human nucleic acid molecules shown in columns 3 and 4. Columns 3 and 4 list the SEQ ID NO and Incyte ID number, respectively, for each human nucleic acid molecule. Column 5 shows exemplary unique fragments of SEQ ID NOs:1-5. Such fragments of SEQ ID NOs:1-5 are useful in hybridization or amplification technologies to identify changes in expression pattern of the same or similar sequences. Column 6[5] shows the sequence identity between the rat nucleic acid molecule in column 1 and the corresponding human nucleic acid molecule in column 3. Column 7[6] identifies the human tissues where the nucleic acid molecules in column 3 are predominantly expressed. Of particular note, SEQ ID NO:1, SEQ ID NO:3, and SEQ ID NO:4 are expressed in reproductive tissues, SEQ ID NO:2[4] is expressed in hematopoietic/immune tissues, and SEQ ID NO:5 is expressed in liver tissue.